

REMARKS

Reconsideration and timely allowance of the pending claims, in view of the following remarks, are respectfully requested.

In the pending Office Action, the Examiner rejected claims 1, 3-4, 10, 12, and 14, under 35 U.S.C. §102(b), as being anticipated by Mogi '802 (JP 08-249802); rejected claim 2, under 35 U.S.C. §103(a), as being unpatentable over Mogi '802; and rejected claim 11, under 35 U.S.C. §103(a), as being unpatentable over Mogi '802 in view of Hida '403 (JP 2000-149403).

In addition, the Examiner objected to the Specification as containing minor typographical errors and objected to the title as not being descriptive.

Prior to this Amendment, claims 1-4, 10-12, and 14 were pending, of which claim 1 is independent. By this Amendment, Applicant has amended claims 1, 4, 10, 11, and 14 and has introduced new claims 21-23 to provide a clearer presentation of the claimed subject matter. As such, claim 1-4, 10-12, and 14 are presented for examination, of which claim 1 remains as the sole independent claim.

Applicant has also amended the Specification and Title, as indicated by the Examiner. Applicant respectfully requests that the objections to the Specification and Title be withdrawn.

Applicants respectfully traverse the rejections of the claims, under 35 U.S.C. §102(b) and §103(a), for the reasons presented below:

I. Prior Art Rejections of Independent Claim 1 Under 35 U.S.C. §102(b), §103(a).

Independent claim 1, as amended, positively recites that the information storage medium includes at least one notch or groove provided on a portion of the peripheral side.

Unlike the present invention, however, the Mogi '802 reference teaches an optical disk having a pattern, such as, a stepped shape, tapered shape, semicircular shape, or zig-zag shape, along the entire peripheral edge of the disk. (*See, e.g., Mogi '802: FIGS. 1-6*). In so doing, Mogi '802 teaches away from having a least one notch or groove provided on a portion of the peripheral side of the disk.

For at least these reasons, claim 1 cannot be reasonably construed as being anticipated by Mogi '802. Moreover, as best understood, none of the applied references, whether taken alone or in combination, teach or suggest the combination of features recited by claim 1. Accordingly, claim 1 is patentably distinguishable over the applied references and the reconsideration and withdrawal of the prior art rejections, under 35 U.S.C. §102(b) and §103(a), is respectfully requested.

Applicant additionally submits that because claims 2-4, 10-12, 14, and 21-23 depend either directly or indirectly from claim 1, claims 2-4, 10-12, 14, and 21-23 are also patentable for at least the reasons presented with respect to claim 1, as well as for their additional limitations.

II. Conclusion

All matters having been addressed and in view of the foregoing, Applicants respectfully request the entry of this Amendment, the Examiner's reconsideration of this application, and the immediate allowance of pending claims 1-4, 10-12, 14, and 21-23.

Applicants' Counsel remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this matter.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

PILLSBURY WINTHROP LLP



E. RICO HERNANDEZ
Reg. No. 47641
Tel. No. 703.905.2088
Fax No. 703.905.2500

ERH/smm
P.O. Box 10500
McLean, VA 22102
(703) 905-2000